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8 UNITED STATES DISTRICT COURT  
9 DISTRICT OF NEVADA

10 UNITED STATES OF AMERICA,  
11 Plaintiff,  
12  
13 v.  
14 NICHOLAS BRODIGAN,  
15 Defendant.  
16  
17

Case No. 2:17-cr-00103-KJD-PAL-2

**STIPULATION TO CONTINUE  
REPLY DEADLINE TO  
GOVERNMENT'S RESPONSES  
(ECF NOS. 105, 107) TO MOTION  
TO DISMISS (ECF NO. 98) AND  
MOTION TO SUPPRESS (ECF  
NO. 99)**

(Second Request)

18 IT IS HEREBY STIPULATED AND AGREED, by and between Dayle Elieson, United  
19 States Attorney, and Christopher Burton, Assistant United States Attorney, counsel for the  
20 United States of America, and Rene L. Valladares, Federal Public Defender, and Nisha Brooks-  
21 Whittington, Assistant Federal Public Defender, counsel for Nicholas Brodigan, that the reply  
22 deadline to the Government's Responses (ECF Nos. 105, 107) to Defendant's Motion to  
23 Dismiss (ECF No. 98) and Motion to Suppress (ECF No. 99) that was scheduled for Monday,  
24 September 3, 2018, be vacated and set to October 12, 2018.<sup>1</sup>  
25

26 <sup>1</sup> The parties previously filed a stipulation requesting the reply deadline be continued  
for the same reasons asserted herein. ECF No. 110. However, the court denied that motion

1 This Stipulation is entered into for the following reasons:

2 1. The parties are actively engaged in negotiations which may render it  
3 unnecessary to file replies to the government's responses (ECF Nos. 108, 107) to  
4 Mr. Brodigan's Motion to Dismiss (ECF No. 98) and Motion to Suppress (ECF No. 99).  
5 Furthermore, counsel needs additional time to discuss the case and prepare replies to the  
6 government's responses to the pending Motion to Suppress and Motion to Dismiss should the  
7 parties not reach a negotiated resolution.

8 2. The defendant is incarcerated and does not object to the continuance.

9 3. The parties agree to the continuance.

10 4. The additional time requested herein is not sought for purposes of delay, but  
11 merely to allow counsel for defendant sufficient time within which to be able to effectively  
12 prepare a reply.

13 5. Additionally, denial of this request for continuance could result in a miscarriage  
14 of justice.

15 This is the second request to continue the reply deadline dates filed herein.

16 DATED this 20th day of September, 2018.

17  
18 RENE L. VALLADARES  
19 Federal Public Defender

DAYLE ELIESON  
United States Attorney

20 */s/ Nisha Brooks-Whittington*  
21 By \_\_\_\_\_

22 NISHA BROOKS-WHITTINGTON  
Assistant Federal Public Defender

*/s/ Christopher Burton*  
By \_\_\_\_\_

CHRISTOPHER BURTON  
Assistant United States Attorney

23 \_\_\_\_\_  
24 without prejudice explaining that there was no "stipulation [at that time] to continue the trial  
25 date" and "[e]xtending the reply deadlines as the parties propose will not give the court  
26 sufficient time to prepare a report of findings and recommendation recommending disposition  
of the motions and give the non-prevailing party time to file objections before trial." ECF No.  
112. Since the denial of the prior stipulation (ECF No. 110), the parties have filed a stipulation  
to continue the trial date, which was granted. ECF Nos. 114, 117. The trial in this matter is  
currently scheduled for January 28, 2019 at 9 a.m. before Judge Dawson. ECF No. 117.

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 NICHOLAS BRODIGAN,

7 Defendant.

Case No. 2:17-cr-00103-KJD-PAL-2

ORDER

8  
9 **ORDER**

10 IT IS THEREFORE ORDERED that defense counsel's replies to the Government's  
11 Response (ECF No. 107) to Defendant's Motion to Suppress (ECF No. 99) and to the  
12 Government's Response (ECF No. 105) to Defendant's Motion to Dismiss (ECF No. 98) that  
13 were due on Monday, September 3, 2018, be vacated and continued to October 12, 2018.

14 DATED this 21st day of September, 2018.

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17 UNITED STATES MAGISTRATE JUDGE